

**STATE OF CONNECTICUT**  
**AGENCY LEGISLATIVE PROPOSAL**  
**2013 SESSION**

**Document Name**

DORS 2013 LEG Proposal – Technical and Minor Revisions

**Agency**

Department of Rehabilitation Services (DORS)

**Agency Priority** (See instructions)

#1 (of 1)

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**Title of Proposal**

AAC Technical and Minor Revisions to the Department of Rehabilitation Services statutes.

**Statutory Reference**

**Proposal Type**

☒ New      ☐ Resubmittal\* (See below)

\*If resubmittal: What happened? What was last action this past legislative session?

***ATTACH COPY OF FULLY DRAFTED BILL (Required for review)***

**APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)**

**Agency**

None

**Agency Contact (Name and Title)**

N.A.

***Attach Summary of Agency Comments***

**Contact Date**

**Summary of Proposal (Include background information)**

Section 1. CGS Sec. 10-297 is amended to modernize and delete out-of-date terminology and references, e.g., “partially blind” becomes “legally blind.” Also, an out-of-date and overly restrictive dollar cap is eliminated. The dollar cap of nine hundred and sixty dollars is over thirty years old and no longer necessary.

Section 2. In CGS Sec. 10-298(c), the word “Commissioner” replaces “Department” in front of “Rehabilitation Services.”

Section 3. In CGS. Sec. 17b-607, the “Commissioner of Social Services” is replaced by the “Commissioner of Rehabilitation Services,” correcting an omission in P.A. 11-44 and P.A.12-1. “Senior citizens” and “family members” are included as potential borrowers from

the Assistive Technology Revolving Fund. The potential length of loans is increased from five to ten years. The interest on these loans is changed from a generic rate set by the Treasurer to a “fixed rate, not to exceed six percent.” In a new subsection (c), the department is allowed to charge fees for certain Assistive Technology services.

Section 4. This section deletes a list, from over twenty years ago, of specified, pilot towns and clarifies that now all school districts are eligible for vocational assistance.

Sections 5, 6, 7 and 8. Section 5 places an all-encompassing reporting requirement for the Commissioner of DORS in CGS Sec. 17b-650a in lieu of several, separate reporting requirements spread out in other sections of the statutes. Sections 6, 7 and 8 delete those other reporting requirements that are now encompassed in the new subsection (c) of CGS Sec. 17b-650a. Section 5 also gives the Commissioner of DORS the power to adopt regulations relevant to agency programs since the DSS Commissioner had that statutory power over the same programs when they were in DSS [see CGS Sec. 17b-3(a)(2)].

Section 9. CGS Sec. 17b-661 is amended to raise certain dollar references, from twenty years ago and earlier, regarding the purchase of wheel chairs, adaptive equipment and vehicle modifications for people with disabilities.

#### **Reason for Proposal (Include significant policy and programmatic impacts)**

This bill modernizes certain statutory provisions that 1) are not current with federal programmatic provisions, 2) contain dollar amounts that are antiquated and 3) contain terminology that is out-of-date. This bill increases agency efficiency by streamlining agency reporting. The bill also carries over a provision allowing the DSS Commissioner to promulgate regulations for all of that agency’s programs to the new DORS so that the DORS Commissioner will have that same authority for these same programs which are now under DORS.

The bill also updates provisions of the Assistive Technology Revolving Fund, a loan program providing equipment to people with disabilities. The proposal also allows the agency to charge fees for certain assistive technology services. That revenue stream would allow the agency to maintain and enhance these services by placing the program on a firmer financial footing into the future. Such fees are provided for and are encouraged by the relevant federal agency authorities and have already been successfully implemented by several other states.

Section 1. The dollar cap of nine hundred and sixty dollars for certain rehabilitation services for people who are blind is over thirty years old and out-of-date. Furthermore, a cap is not necessary as the agency can and does equitably and judiciously allocate funds for certain client rehabilitation needs within the agency’s appropriations. Other language in this section is also out-of-date, for example, “partially blind,” and such references as “mercantile and industrial establishments” are unnecessary.

Section 2. This section refers throughout to the agency’s Commissioner, except that the last reference is to the “Department.” This change makes the section consistent.

Section 3. The Assistive Technology Revolving Fund was established in 1992 and this bill reflects changes in federal guidelines in this area since that time, for example, allowing senior citizens and the family members of people with disabilities to borrow from the Fund. Some loans from the Fund are for home modifications; lengthening the possible term of the

loans from five to ten years comports with those longer term endeavors and makes them more affordable. The bill also permits the agency to charge a rate of up to six percent allowing the agency to grow the Fund balance somewhat over time to keep pace with inflation and demand. Rates on individual loans will remain fixed for the borrower.

New subsection (c) allows the agency to charge fees for certain assistive technology services that are not funded under the federal Assistive Technology Act of 1998. These services meet pressing needs for many of Connecticut's citizens with disabilities. The agency's overall intent is to charge institutional users and providers such as corporations, non-profit organizations, schools, universities and governmental agencies. These fees will allow the agency to maintain important services for people with disabilities that are not otherwise funded and may not otherwise be available in such an area of specialization. Such fees are supported by federal policy in this area and have been implemented by Alaska, Indiana, New Jersey, North Carolina, North Dakota, Washington and Wisconsin.

Section 4. The Department provides vocational and transition services to schools throughout Connecticut. The agency now has a liaison to every high school in the state. CGS Sec. 17b-612 contains 20-year-old references to five specific towns and school districts dating from the program's inception as a pilot effort. These references are no longer necessary since the program is statewide and the references could mislead readers into thinking that only these towns are served.

Section 5. This section brings together the various and separate reporting requirements that predate the agency's merger and creation. New subsection (c) of CGS Sec. 17b-650a provides for one encompassing report consistent with recent executive and legislative branch efforts to increase efficiency by streamlining reports and reporting efforts.

This section also gives the Commissioner the power to adopt regulations since this power was held by the Commissioner of Social Services regarding the departmental activities and programs that have now been moved to the new Department of Rehabilitation Services. This change transfers the same regulatory power that was held by the DSS Commissioner to the DORS Commissioner for the effective administration of those programs that have now been placed under the purview of DORS. (Please see CGS Sec. 17b-3 (a)(2).)

Section 6. This section deletes the reporting requirement in CGS Sec. 10-298a regarding services to people who are blind or visually impaired which has been moved to CGS. Sec. 17b-650a.

Section 7. This section deletes the reporting requirements in CGS Sec. 46a-32 regarding services to people who are deaf or hearing impaired. This requirement has been moved to CGS Sec. 17b-650a.

Section 8. This section deletes the reporting requirements in CGS Sec. 17b-655 regarding vocational services since this requirement has been moved to CGS Sec. 17b-650a.

Section 9. This section changes certain dollar thresholds under which the agency may purchase wheel chairs, adaptive equipment and vehicle modifications for its clients in a more expedited manner. The greater flexibility provided in this statute is necessary because of the very finite number of providers of this type of technology and equipment. The dollar amounts in CGS Sec. 17b-661 are over twenty years old in two instances and over thirty years old in one case. To account for inflation, which is very high in this rapidly advancing area of technology, the thirty-year-old amount of \$3,500 is increased to \$20,000 and the twenty-year-old amount of \$10,000 is increased to \$120,000. The reference to the

purchase of actual vehicles is removed since the agency only supports the necessary adaptations and modifications made to a vehicle; the client is responsible for the purchase of the actual vehicle.

### **Significant Fiscal Impacts**

**Municipal:** None. No change here alters the revenues or expenditures of any municipality.

**Federal:** None. No change here will change any payments by the state to the federal government or by the federal government to the state.

**State:** Minimal. No change here will alter the revenues or expenditures of the state or the Department of Rehabilitation Services with the exception that

- the streamlining of some reporting requirements will save some number of hours of agency staff time and
- the use of fees in the Assistive Technology program may produce \$3,000 to \$6,000 per annum initially and may further grow to \$25,000 or more in 4 to 5 years.

## *Insert Fully Drafted Bill Here*

### ***AN ACT CONCERNING THE MINOR AND TECHNICAL REVISIONS OF THE DEPARTMENT OF REHABILITATION SERVICES STATUTES***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-297 of the 2012 supplement of the general statutes, as amended by Public Act 12-1, is repealed and the following is substituted in lieu thereof:

Employment and aid. The Commissioner of Rehabilitation Services is authorized to aid in securing employment for [capable] legally blind [or partially blind] persons [in industrial and mercantile establishments and in other positions which offer financial returns]. Said commissioner may aid [needy] blind persons in such way as said commissioner deems expedient, expending for such purpose such sum as the General Assembly appropriates[, provided the maximum expenditure for any one person shall not exceed the sum of nine hundred and sixty dollars in a fiscal year, but, if said maximum amount is insufficient to furnish necessary medical or hospital treatment to a beneficiary, said commissioner may authorize payment of such additional costs as the commissioner deems necessary and reasonable].

Section 2. Subsection (c) of Section 10-298 of the 2012 supplement to the general statutes, as amended Public Act 12-1, is repealed and the following is substituted in lieu thereof:

(c) The Commissioner of Rehabilitation Services shall provide the Department of Motor Vehicles with the names of all individuals sixteen years of age or older who, on or after October 1, 2005, have been determined to be blind by a physician or optometrist, as provided in section 10-305. The Commissioner of Rehabilitation Services shall provide simultaneous written notification to any individual whose name is being transmitted by the Commissioner of Rehabilitation Services to the Department of Motor Vehicles. The Commissioner of Rehabilitation Services shall update the list of names provided to the Department of Motor Vehicles on a quarterly basis. The list shall also contain the address and date of birth for each individual reported, as shown on the records of the Department of Rehabilitation Services. The Department of Motor Vehicles shall maintain such list on a confidential basis, in accordance with the provisions of section 14-46d. The [Department] Commissioner of Rehabilitation Services shall enter into a memorandum of understanding with the Department of Motor Vehicles to effectuate the purposes of this subsection.

Section 3. Section 17b-607 of the general statutes is repealed and the following is substituted in lieu thereof:

Assistive Technology Revolving Fund. (a) The Commissioner of [Social] Rehabilitation Services is authorized to establish and administer a fund to be known as the Assistive Technology Revolving Fund. Said fund shall be used by said commissioner to make loans to persons with disabilities, senior citizens or their family members for the purchase of assistive technology and adaptive equipment and services. Each such loan shall be made for a term of not more than [five] ten years. Any loans made under this section shall bear interest at [a rate to be determined in accordance with subsection (t) of section 3-20] a fixed rate, not to exceed six per cent. Said commissioner is authorized to expend any funds necessary for the reasonable direct expenses relating to the administration of said fund. Said commissioner shall adopt regulations to implement the purposes of this section.

(b) The State Bond Commission shall have power from time to time to authorize the issuance of bonds of the state in one or more series in accordance with section 3-20 and in a principal amount necessary to carry out the purposes of this section, but not in excess of an aggregate amount of one million dollars. All of said bonds shall be payable at such place or places as may be determined by the Treasurer pursuant to section 3-19 and shall bear such date or dates, mature at such time or times, not exceeding five years from their respective dates, bear interest at such rate or different or varying rates and payable at such time or times, be in such denominations, be in such form with or without interest coupons attached, carry such registration and transfer privileges, be payable in such medium of payment and be subject to such terms of redemption with or without premium as, irrespective of the provisions of said section 3-20, may be provided by the authorization of the State Bond Commission or fixed in accordance therewith. The proceeds of the sale of such bonds shall be deposited in the Assistive Technology Revolving Fund created by this section. Such bonds shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due. Accordingly, and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made and the

Treasurer shall pay such principal and interest as the same become due. Net earnings on investments or reinvestments of proceeds, accrued interest and premiums on the issuance of such bonds, after payment therefrom of expenses incurred by the Treasurer or State Bond Commission in connection with their issuance, shall be deposited in the General Fund of the state.

(c) The Connecticut Tech Act Project, within the Department of Rehabilitation Services and authorized by 29 USC 3001 et seq., upon the request of any person or any public or private entity, may provide assistive technology evaluation and training services to assist such person or entity to the extent persons who provide assistive technology services are available. The Project may charge a fee to any person or entity receiving such assistive technology evaluation and training services to reimburse the department for its costs. The Commissioner shall establish fees at rates that will cover the department's direct and indirect costs.

Section 4. Section 17b-612 of the 2012 supplement to the general statutes, as amended by Public Act 12-1, is repealed and the following is substituted in lieu thereof:

The Department of Rehabilitation Services shall establish a program to assist disabled public school students in preparing for and obtaining competitive employment and to strengthen the linkage between vocational rehabilitation services and public schools. Under the program, the Department of Rehabilitation Services shall provide, within the limits of available appropriations, vocational evaluations and other appropriate transitional services and shall place vocational rehabilitation counselors in [the following school districts: Hartford, West Hartford, Norwich, Bloomfield, Wethersfield and other school districts selected by the Department of Rehabilitation Services] school districts throughout the state. The counselors shall, if requested, assist those persons planning in-school skill development programs. The counselors shall, with planning and placement team members, develop transition plans and individual education and work rehabilitation plans for disabled students who will no longer be eligible for continued public school services. Students whose termination date for receipt of public school services is most immediate shall be given priority.

Section 5. Section 17b-650a of the general statutes, as amended by Public Act 12-1, is repealed and the following is substituted in lieu thereof:

(a) There is created a Department of Rehabilitation Services. The Department of Social Services shall provide administrative support services to the Department of Rehabilitation Services until the Department of Rehabilitation Services requests cessation of such services, or until June 30, 2013, whichever is earlier. The Department of Rehabilitation Services shall be responsible for: (1) Providing services to the deaf and hearing impaired; (2) providing services for the blind and visually impaired; and (3) providing rehabilitation services in accordance with the provisions of the general statutes concerning the Department of Rehabilitation Services. The Department of Rehabilitation Services shall constitute a successor authority to the Bureau of Rehabilitative Services in accordance with the provisions of sections 4-38d, 4-38e and 4-39.

(b) The department head shall be the Commissioner of Rehabilitation Services, who shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive, as amended by this act, and shall have the powers and duties described in said sections. The Commissioner of Rehabilitation Services shall appoint such persons as may be necessary to administer the provisions of public act 11-44 and the Commissioner of Administrative Services shall fix the compensation of such persons in accordance with the provisions of section 4-40. The commissioner may create such sections within said department as will facilitate such administration, including a disability determinations section for which one hundred per cent federal funds may be accepted for the operation of such section in conformity with applicable state and federal regulations. The commissioner shall have the power to adopt and enforce such regulations, in accordance with chapter 54, as are necessary to implement the purposes of the department as established by statute.

(c) The Commissioner of Rehabilitation Services shall, annually, in accordance with section 4-60 and section 11-4a, submit to the Governor a report on the activities of the Department of Rehabilitation Services relating to services by the department to individuals who are blind or visually impaired, who are deaf or hearing impaired or who receive vocational rehabilitation services. The report may include the data the department provides to the federal government that relates to the evaluation standards and performance indicators for the vocational rehabilitation services program. The Commissioner shall submit the report to the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies.

Section 6. Section 10-298 of the 2012 supplement to the general statutes, as amended by Public Act 12-1, is repealed and the following is substituted in lieu thereof:

(a) [The Commissioner of Rehabilitation Services shall, annually, as provided in section 4-60, submit to the Governor a report, containing a statement of the activities of the Department of Rehabilitation Services relating to services provided by the department to individuals in the state who are legally blind or visually impaired during the preceding year. ] The commissioner shall prepare and maintain a register of the blind in this state which shall describe their condition, cause of blindness and capacity for education and rehabilitative training. The commissioner may register cases of persons whose eyesight is seriously defective and who are liable to become visually disabled or blind, and may take such measures in cooperation with other authorities as the commissioner deems advisable for the prevention of blindness or conservation of eyesight and, in appropriate cases, for the education of children and for the vocational guidance of adults having seriously defective sight but who are not blind. The commissioner shall establish criteria for low vision care and maintain a list of ophthalmologists and optometrists that are exclusively authorized to receive agency funds through established and existing state fee schedules for the delivery of specifically defined low vision services that increase the capacity of eligible recipients of such services to maximize the use of their remaining vision.

Section 7. Section 46a-32 of the 2012 supplement to the general statutes, as amended by Public act 12-1, is repealed.

Section 8. Section 17b-665 of the 2012 supplement to the general statutes, as amended by Public act 12-1, is repealed.

Section 9. Section 17b-661 of the 2012 supplement to the general statutes, as amended by Public act 12-1, is repealed and the following is substituted in lieu thereof:

Notwithstanding any other provision of the general statutes, the Department of Rehabilitation Services may, within the limits of appropriations, purchase (1) wheelchairs and placement equipment directly and without the issuance of a purchase order, provided such purchases shall not be in excess of [three thousand five hundred] twenty thousand dollars per unit purchased, and (2) adaptive equipment, including equipment to modify [and modified] vehicles, for persons with disabilities directly and without the issuance of a purchase order, provided such purchases of adaptive equipment shall not be in excess of [ten] one hundred and twenty thousand dollars per unit purchased [and such purchases of modified vehicles shall not be in excess of twenty-five thousand dollars per vehicle]. All such purchases shall be made in the open market, but shall, when possible, be based on at least three competitive bids. Such bids shall be solicited by sending notice to prospective suppliers and by posting notice on the Internet web site of the Department of Rehabilitation Services. Each bid shall be opened publicly at the time stated in the notice soliciting such bid. Acceptance of a bid by the Department of Rehabilitation Services shall be based on standard specifications as may be adopted by said department.